

E-Filed 11/3/11

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9 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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11 MT. HAWLEY INSURANCE COMPANY,) CASE NO. CV 10 5038 RS
12 Plaintiff,) JOINT STIPULATION FOR
13 vs.) CONTINUANCE OF CASE
14 NAVIGATORS SPECIALTY INSURANCE) MANAGEMENT SCHEDULING
COMPANY,) ORDER DATES; [PROPOSED] ORDER
15 Defendant.) Complaint Filed: November 8, 2010
) Judge: Hon. Richard Seeborg

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17 The parties hereto, Plaintiff Mt. Hawley Insurance Company ("Mt. Hawley") and
18 Defendant Navigators Specialty Insurance Company ("Navigators"), by and through their
19 respective counsel of record, hereby stipulate to modification of the current Case Management
20 Scheduling Order as follows:

21 1. WHEREAS, on May 12, 2011 the Court issued a Case Management Scheduling
22 Order which provides:

- 23 a. On or before **November 30, 2011**, all non-expert discovery related to the
24 duty to defend question shall be completed;
- 25 b. A Further Case Management Conference shall be held on **October 20,**
26 **2011**;
- 27 c. All pretrial motions must be filed and served pursuant to Civil Local Rule
28 7 and heard no later than **January 26, 2012**;

1 2. WHEREAS, on September 22, 2011 the Court heard Mt. Hawley's Motion for
2 Partial Summary Judgment and took the motion under submission (Dkt. No. 24);

3 3. WHEREAS, on October 14, 2011 the Court continued the Further Case
4 Management Conference from October 20, 2011 to **December 15, 2011** at 10:00 a.m. (Clerk's
5 Notice, Dkt. No. 27);

6 4. WHEREAS, the case schedule had been previously modified as follows:

- 7 a. Navigators was permitted two (2) additional weeks to respond to Mt.
8 Hawley's Complaint;
- 9 b. The briefing schedule on Mt. Hawley's Motion for Partial Summary
10 Judgment was extended such that Navigator's Opposition due date was
11 continued from August 17, 2011 to August 31, 2011, Mt. Hawley's Reply
12 due date was continued from August 24, 2011 to September 7, 2011, and
13 the hearing date was continued from September 8, 2011 to September 22,
14 2011;

15 5. WHEREAS, the parties agree that modification of the current Case Management
16 Scheduling Order will preserve the status quo pending the Court's determination of Mt.
17 Hawley's Motion for Partial Summary Judgment, serving the interests of judicial economy and
18 efficient litigation;

19 6. WHEREAS, Mt. Hawley and Navigators therefore stipulate and agree to modify
20 the current Case Management Scheduling Order as follows:

- 21 a. Continue the non-expert discovery completion date to **February 29, 2011**;
22 b. Continue the final hearing date for pretrial motions to **April 12, 2011**.

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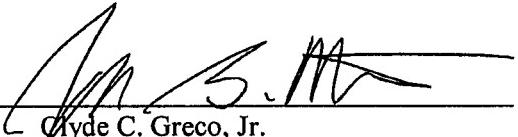
1 IT IS SO STIPULATED.

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3 Dated: 11/1, 2011

GRECO TRAFICANTE SCHULZ & BRICK

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5 By 

Clyde C. Greco, Jr.

Jon S. Brick

Attorneys for Plaintiff

MT. HAWLEY INSURANCE COMPANY

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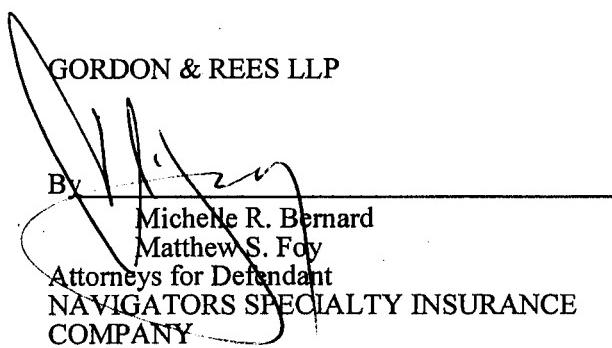
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Dated: November 11, 2011

GORDON & REES LLP

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10 By 

Michele R. Bernard

Matthew S. Foy

Attorneys for Defendant

NAVIGATORS SPECIALTY INSURANCE
COMPANY

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

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The Case Management Scheduling Order is modified to provide for the following

schedule:

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- a. On or before February 29, 2011, all non-expert discovery related to the duty to defend question shall be completed;
- b. All pretrial motions must be filed and served pursuant to Civil Local Rule 7 and heard no later than April 12, 2012.

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Dated: 11/3/11


Richard Seeborg
Judge of the United States District Court